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February 7, 2023

VIA ECF

Honorable Jeremiah J. McCarthy
United States District Court
Western District of New York
2 Niagara Square
Buffalo, NY 14202

Re: McDay v. Eckert, et al.
Case No. 20-CV-233 (JLS)(JJM)

Dear Magistrate/Judge McCarthy:

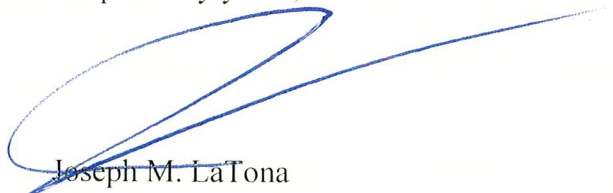
Please allow this letter to serve as our objection on behalf of Defendant Officer Kelly McDonald to the January 19, 2023 subpoenas issued by Plaintiff seeking Officer McDonald's personnel and OSI records from the New York State Department of Corrections and Community Supervision ["DOCCS"]. A copy of each subpoena is attached hereto as Exhibits A and B.

Our objections to the subpoena for Officer McDonald's records are substantively identical to the objections made by counsel for the co-defendant Maldonado [Doc. 144 and Doc. 147]. In the interests of judicial economy, we will not repeat the bases for the objections, but rather, hereby adopt and incorporate the objections and arguments set forth by the co-defendant by reference.

I understand that the New York State Department of Corrections and Community Supervision has also objected in writing to the same subpoenas. My client and I join in those objections.

We look forward to discussing this issue further during the conference scheduled for February 9, 2023.

Respectfully yours,



Joseph M. LaTona

JLT/slw
Attachments

cc: All Counsel [via ECF]